

FILED  
IN CLERKS OFFICE

UNITED STATES DISTRICT COURT U.S. DISTRICT COURT E.D.N.Y.  
EASTERN DISTRICT OF NEW YORK

MAY 25 1999

CV 99 2956

UNITED STATES OF AMERICA,

Plaintiff,

-against-

BRIAN R. CARR,

Defendant(s).

COMPLAINT

Civil Action No.

Claim No. C-102264

The UNITED STATES OF AMERICA, by its attorneys SOLOMON AND SOLOMON,  
P.C. complaining of the defendant,

JOHNSON, J.

FIRST: Jurisdiction is conferred upon this Court pursuant to Title 28, United States Code,  
Section 1345.

SECOND: The defendant resides within the Eastern District of New York.

THIRD: Defendant owes plaintiff the principal sum of \$2,711.01, plus interest according  
to the Certificate of Indebtedness annexed hereto.

FOURTH: No part of the aforesaid sum has been paid, although duly demanded.

WHEREFORE, plaintiff demands judgment against the defendant as follows:

- a. In the amount of \$5,824.91 (\$2,711.01 principal, \$3,113.90 interest accrued through  
5/10/99, and \$0.00 costs,);
- b. Interest to accrue at the rate of 9.00% per annum after 5/10/99 to date of judgment,
- c. Interest from date of judgment at the legal rate in effect on date of judgment;
- d. Costs of suit, fees and disbursements, and
- e. Such other proper relief as this Court may deem just.

Dated: Albany, New York

May 13, 1999

SOLOMON AND SOLOMON, P.C.  
Attorneys for Plaintiff  
Five Columbia Circle  
P.O. Box 15019  
Albany, New York 12203

BY: 

William P. Hessney (WH9694)  
518-456-7200

This is an attempt to collect a debt. Any information obtained will be used for that purpose. This  
communication is from a debt collector.

**U. S. DEPARTMENT OF EDUCATION  
SAN FRANCISCO, CALIFORNIA**

**CERTIFICATE OF INDEBTEDNESS**

Brian R. Carr  
330 East 19th St. Apt 6F  
Brooklyn, NY 11226  
SSN:067-64-0458

I certify that Department of Education records show that the borrower named above is indebted to the United States in the amount stated below plus additional interest from 01/08/99.

On or about 02/24/83, the borrower executed promissory note(s) to secure loan(s) of \$2,500.00 from Chemical Bank at 9 percent interest per annum. This loan obligation was guaranteed by New York State Higher Education Services Corporation and then reinsured by the Department of Education under loan guaranty programs authorized under Title IV-B of the Higher Education Act of 1965, as amended, 20 U.S.C. 1071 et seq. (34 CFR. Part 682). The holder demanded payment according to the terms of the note(s), and credited \$0.00 to the outstanding principal owed on the loan(s). The borrower defaulted on the obligation on 08/03/86, and the holder filed a claim on the guarantee.

Due to this default, the guaranty agency paid a claim in the amount of \$2,500.00 to the holder. The guarantor was then reimbursed for that claim payment by the Department under its reinsurance agreement. The guarantor attempted to collect the debt from the borrower. The guarantor was unable to collect the full amount due, and on 10/07/96, assigned its right and title to the loan(s) to the Department.

Since assignment of the loan, the Department has received a total of \$0.00 in payments from all sources, including Treasury Department offsets, if any. After application of these payments, the borrower now owes the United States the following:

Principal:	\$ 2,711.01
Interest:	\$ 3,036.57
Administrative/Collection Costs:	\$ 0.00
Late fees:	\$0.00
 Total debt as of 01/08/99:	 \$ 5,747.58

Interest accrues on the principal shown here at the rate of .67 per day.

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct.

Executed on: 1/13/99 Name: Jessica Z  
Title: Loan Analyst  
Branch: Litigation Branch